

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US05/02503

A. CLASSIFICATION OF SUBJECT MATTER

IPC(8): A23J 1/14(2007.01);C07K 14/415(2007.01)

USPC: 530/378;800/295,312;426/630

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 530/378;800/295,312;426/630

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
Please See Continuation Sheet

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X --- Y	✓ Edwards H. M. Protein and Energy Evaluation of Soybean Meal Processed from Genetically Modified High-Protein Soybeans. Poultry Science (2000) Vol 79, pages 525-527, especially page 526, Table 1.	1-2, 4-7, 10, and 18 ----- 8-9
X --- Y	✓ Reas B. P. Nutritional and Economic Importance of Genetically-Modified Soybean. published at www.bic.searca.org/seminar_proceedings/reas-16Aug2002.pdf on 16 Aug 2002	1-2, 4-10, and 18 ----- 8-9
X --- Y	US 6,147,193 (Kerr et al) 14 November 2000 (14.11.2000), column 14, Table 2 and claim 1-3.	1-6, 10, and 18 ----- 7-9

☐ Further documents are listed in the continuation of Box C.☐ See patent family annex.

* Special categories of cited documents:	
"A" document defining the general state of the art which is not considered to be of particular relevance	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"E" earlier application or patent published on or after the international filing date	"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"O" document referring to an oral disclosure, use, exhibition or other means	"&" document member of the same patent family
"P" document published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international search

21 November 2006 (21.11.2006)

Date of mailing of the international search report

18 DEC 2006

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Facsimile No. (571) 273-3201

Authorized officer

Cathy K. Worley
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Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☐ Claims Nos.:
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:
Please See Continuation Sheet

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
 2. ☐ As all searchable claims could be searched without effort justifying additional fees, this Authority did not invite payment of any additional fees.
 3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
 4. ☒ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.: 1-10 and 18
- Remark on Protest ☐ The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee.
- ☐ The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified in the invitation.
- ☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

International application No.
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BOX III. OBSERVATIONS WHERE UNITY OF INVENTION IS LACKING

This application contains the following inventions or groups of inventions which are not so linked as to form a single inventive concept under PCT Rule 13.1. In order for all inventions to be searched, the appropriate additional search fees must be paid. If no additional fees are paid, the Examiner will search and examine Group I only.

Group I, claims 1-10 and 18, drawn to a soybean meal.

Group II, claims 11-12, drawn to a protein isolate.

Group III, claims 13-17, drawn a method of feeding an animal.

Group IV, claim 19, drawn to a method of processing soybean.

The inventions listed as Groups I-IV do not relate to a single inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical feature for the following reasons:

The technical feature linking Groups I-IV is a soybean meal with at least 45% protein content on a dry weight basis. However, Edwards et al. teach soybean meal with 47.5%, 52.5%, 53.4%, and 62.7% protein (Edwards et al. (2000) Poultry Science, Vol. 79, pages 525-527, see page 526, Table 1, in particular). Therefore, the technical feature linking the inventions of Groups I-IV does not constitute a special technical feature as defined by PCT Rule 13.2, as it does not define a contribution over the prior art.

Accordingly, Groups I-IV are not so linked by the same or a corresponding special technical feature as to form a single general inventive concept.

Continuation of B. FIELDS SEARCHED Item 3:

Form PCT/ISA/210 (extra sheet) (April 2005)

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US05/02503

STN search of Agricola, Biosis, and Caplus databases, and WEST search; Search terms: poultry, chicken, meal, soybean, glycine, "high protein", high-protein, 64%, glyphosate, round-up, herbicide, "soybean meal".



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Beselerstrasse 4
22607 Hamburg
ALLEMAGNE



EPO Customer Services

Tel.: +31 (0)70 340 45 00

Date
21.02.07

Reference P 71988	Application No./Patent No. 05712105.5-1268-US2005002503
Applicant/Proprietor Renessen LLC, et al	

Refund of fees

The following fee was paid in respect of the application 05712105.5:

Fee	Code	Voucher No	Date	Currency	Amount
Renewal fee	033	00151280	29.01.07	EUR	400,00
Renewal fee	033	00150336	29.01.07	EUR	400,00

According to the present state of the file the refund will be made by:

CREDITING THE DEPOSIT ACCOUNT 28000327.

Amount refundable:	Code	Currency	Amount	Voucher No
	033	EUR	400,00	00170904

Reason for refund: Fee paid twice.

The Authorising Officer
Bonfils
(31)(70)3401927





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Tel.: +31 (0)70 340 45 00

Date

19-02-2007

Reference P 71988	Application No./Patent No. 05712105.5 - 1268 PCT/US2005002503 / ISA US
Applicant/Proprietor Renessen LLC, et al	

For the aforementioned international application, you are hereby kindly requested to forward to the EPO in its capacity as designated / elected Office:

- ☐ a) The publication of the international search report (Art. 20 PCT).
- ☐ b) the copy of the international preliminary examination report (Art. 36(3)(a) PCT).
- ☐ c) the copy (copies) of the priority document(s). If any document is not available and ISA is not the EP, please indicate below whether the receiving Office has been requested to transmit the document to the International Bureau (Form PCT/RO/101, Box VI; R. 17.1(b) PCT).

☒ IPRP.....

Receiving Section

Answer of the International Bureau [IB]:

- ☐ The requested item [a), b) or c)] is not available with the IB.

Reason:

For priority documents [c)] with ISA not EP:

- ☐ The applicant has requested the receiving Office to issue a priority document [c)] pursuant to Rule 17.1(b) PCT, but the IB did not receive it.

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Tel.: +31 (0)70 340 45 00

Date

17.01.07

Reference P 71988	Application No./Patent No. 05712105.5 - 1268 PCT/US2005002503
Applicant/Proprietor Renessen LLC, et al	

Notification of European publication number and information on the application of Article 67(3) EPC

The provisional protection under Article 67(1) and (2) EPC in the individual contracting states becomes effective only when the conditions referred to in Article 67(3) EPC have been fulfilled (for further details, see information brochure of the European Patent Office "National Law relating to the EPC" and additional information in the Official Journal of the European Patent Office).

Pursuant to Article 158(1) EPC the publication under Article 21 PCT of an international application for which the European Patent Office is a designated Office takes the place of the publication of a European patent application.

The bibliographic data of the above-mentioned Euro-PCT application will be published on 14.02.07 in Section I.1 of the European Patent Bulletin. The European publication number is 1750983.

In all future communications to the European Patent Office, please quote the application number plus Directorate number.

Receiving Section





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REC'D 17 OCT 2006

WIPO PCT



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Tel.: +31 (0)70 340 45 00

Date

16-10-2006

Reference
P 71988

Application No./Patent No.
05712105.5 - PCT/US2005002503 / ISA US

Applicant/Proprietor
Renessen LLC, et al

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- ☐ c) the copy (copies) of the priority document(s). If any document is not available and ISA is not the EP, please indicate below whether the receiving Office has been requested to transmit the document to the International Bureau (Form PCT/RO/101, Box VI; R. 17.1(b) PCT).

☒ A3-Pamphlet

Receiving Section

Rixner, Erich

EPO-DG 1

30.10.2006

TEAM 14

Answer of the International Bureau [IB]:

- ☒ The requested item [a), b) or c)] is not available with the IB.

Reason: *ISR not received*

For priority documents [c)] with ISA not EP:

- ☐ The applicant has requested the receiving Office to issue a priority document [c)] pursuant to Rule 17.1(b) PCT, but the IB did not receive it.

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Tel.: +31 (0)70 340 45 00

Date

16-10-2006

Reference
P 71988

Application No./Patent No.
05712105.5 - PCT/US2005002503 / ISA US

Applicant/Proprietor
Renessen LLC, et al

For the aforementioned international application, you are hereby kindly requested to forward to the EPO in its capacity as designated / elected Office:

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- ☐ c) the copy (copies) of the priority document(s). If any document is not available and ISA is not the EP, please indicate below whether the receiving Office has been requested to transmit the document to the International Bureau (Form PCT/RO/101, Box VI; R. 17.1(b) PCT).
- ☒ A3-Pamphlet.....

Receiving Section

Rixner, Erich

Answer of the International Bureau [IB]:

- ☐ The requested item [a), b) or c)] is not available with the IB.

Reason:

For priority documents [c)] with ISA not EP:

- ☐ The applicant has requested the receiving Office to issue a priority document [c)] pursuant to Rule 17.1(b) PCT, but the IB did not receive it.

The International Bureau



An das Europäische Patentamt

To the European Patent Office
EPO - Munich
A l'Office européen des brevets

1

25. Aug. 2006

**Eintritt in die
europäische Phase
(EPA als Bestimmungsamt
oder ausgewähltes Amt)****Entry into the
European phase
(EPO as designated or
elected Office)****Entrée dans la
phase européenne
(l'OEB agissant en qualité
d'office désigné ou élu)**

Europäische Anmeldenummer oder, falls nicht bekannt, PCT-Aktenzeichen oder PCT-Veröffentlichungsnummer	European application number, or, if not known, PCT application or publication number 05712105.5	Numéro de dépôt de la demande de brevet européen ou, à défaut, numéro de dépôt PCT ou de publication PCT
Zeichen des Anmelders oder Vertreters (max. 15 Positionen)	Applicant's or representative's reference (max. 15 spaces) P 71988	Référence du demandeur ou du mandataire (15 caractères ou espaces au maximum)
<input checked="" type="checkbox"/> 1. Anmelder Die Angaben über den (die) Anmelder sind in der internationalen Veröffentlichung enthalten oder vom Internationalen Büro nach der internationalen Veröffentlichung vermerkt worden. <input type="checkbox"/> Änderungen, die das Internationale Büro noch nicht vermerkt hat, sind auf einem Zusatzblatt angegeben. Zustellanschrift (siehe Merkblatt II, 1)	1. Applicant Indications concerning the applicant(s) are contained in the international publication or recorded by the International Bureau after the international publication. Changes which have not yet been recorded by the International Bureau are set out on an additional sheet. Address for correspondence (see Notes II, 1)	1. Demandeur Les indications concernant le(s) demandeur(s) figurent dans la publication internationale ou ont été enregistrées par le Bureau international après la publication internationale. Les changements qui n'ont pas encore été enregistrés par le Bureau international sont indiqués sur une feuille additionnelle. Adresse pour la correspondance (voir notice II, 1)
2. Vertreter Name (Nur einen Vertreter angeben, der in das europäische Patentregister eingetragen und an den zugestellt wird) Geschäftsanschrift Telefon Telefax Telex <input type="checkbox"/> Weitere(r) Vertreter auf Zusatzblatt	2. Representative Name (Name only one representative who will be listed in the Register of European Patents and to whom notification will be made) UEXKÜLL & STOLBERG Association No. 1 Address of place of business Beselerstr. 4 D-22607 Hamburg Telephone (040) 899 6540 Fax Telex (040) 899 654 88 Additional representative(s) on additional sheet	2. Mandataire Nom (N'indiquer qu'un seul mandataire, qui sera inscrit au Registre européen des brevets et auquel signification sera faite) Adresse professionnelle Téléphone Téléfax Télex Autre(s) mandataire(s) sur une feuille additionnelle
3. Vollmacht <input type="checkbox"/> Einzelvollmacht ist beigelegt. <input type="checkbox"/> Allgemeine Vollmacht ist registriert unter Nummer: <input type="checkbox"/> Allgemeine Vollmacht ist eingereicht, aber noch nicht registriert. <input type="checkbox"/> Die beim EPA als PCT-Anmeldeamt eingereichte Vollmacht schließt ausdrücklich die europäische Phase ein.	3. Authorisation Individual authorisation is attached. General authorisation has been registered under No: A general authorisation has been filed, but not yet registered. The authorisation filed with the EPO as PCT receiving Office expressly includes the European phase.	3. Pouvoir Un pouvoir spécial est joint. Un pouvoir général a été enregistré sous le n°: Un pouvoir général a été déposé, mais n'est pas encore enregistré. Le pouvoir général déposé à l'OEB agissant en qualité d'office récepteur au titre du PCT s'applique expressément à la phase européenne.

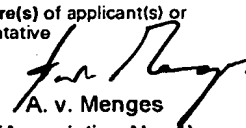
<p><input checked="" type="checkbox"/> 4. Prüfungsantrag Hiemit wird die Prüfung der Anmeldung gemäß Art. 94 EPU beantragt. Die Prüfungsgebühr wird (wurde) entrichtet.</p> <p>Prüfungsantrag in einer zugelassenen Nichtamtssprache (siehe Merkblatt III, 5.2) :</p>	<p>4. Request for examination Examination of the application under Art. 94 EPC is hereby requested. The examination fee is being (has been, will be) paid.</p> <p>Request for examination in an admissible non-EPO language (see Notes III, 5.2) :</p>	<p>4. Requête en examen Il est demandé que soit examinée la demande de brevet conformément à l'art. 94 CBE. Il est (a été, sera) procédé au paiement de la taxe d'examen.</p> <p>Requête en examen dans une langue non officielle autorisée (voir notice III, 5.2) :</p>
<p><input checked="" type="checkbox"/> 5. Abschriften Zusätzliche Abschrift(en) der im ergänzenden europäischen Recherchenbericht angeführten Schriftstücke wird (werden) beantragt.</p> <p>Anzahl der zusätzlichen Sätze von Abschriften</p>	<p>5. Copies Additional copy (copies) of the documents cited in the supplementary European search report is (are) requested.</p> <p>Number of additional sets of copies</p>	<p>5. Copies Pièce de fournir une ou plusieurs copies supplémentaires des documents cités dans le rapport complémentaire de recherche européenne.</p> <p>Nombre de jeux supplémentaires de copies</p>
<p>6. Für das Verfahren vor dem EPA bestimmte Unterlagen</p> <p>6.1 Dem Verfahren vor dem EPA als Bestimmungsamt (PCT I) sind folgende Unterlagen zugrunde zu legen:</p> <p><input checked="" type="checkbox"/> die vom Internationalen Büro veröffentlichten Anmeldungsunterlagen (mit allen Ansprüchen, Beschreibung und Zeichnungen), gegebenenfalls mit den geänderten Ansprüchen nach Art. 19 PCT</p> <p><input type="checkbox"/> soweit sie nicht ersetzt werden durch die beigefügten Änderungen.</p> <p><i>Falls nötig, sind Klarstellungen auf einem Zusatzblatt einzureichen!</i></p> <p>6.2 Dem Verfahren vor dem EPA als ausgewähltem Amt (PCT II) sind folgende Unterlagen zugrunde zu legen:</p> <p><input checked="" type="checkbox"/> die dem internationalen vorläufigen Prüfungsbericht zugrunde gelegten Unterlagen, einschließlich seiner eventuellen Anlagen (Solche Anlagen müssen immer beigefügt werden)</p> <p><input type="checkbox"/> soweit sie nicht ersetzt werden durch die beigefügten Änderungen.</p> <p><i>Falls nötig, sind Klarstellungen auf einem Zusatzblatt einzureichen!</i></p> <p><input checked="" type="checkbox"/> Sind dem EPA als mit der internationalen vorläufigen Prüfung beauftragten Behörde Versuchsberichte zugegangen, dürfen diese dem Verfahren vor dem EPA zugrunde gelegt werden.</p>	<p>6. Documents intended for proceedings before the EPO</p> <p>6.1 Proceedings before the EPO as designated Office (PCT I) are to be based on the following documents:</p> <p>the application documents published by the International Bureau (with all claims, description and drawings), where applicable with amended claims under Art. 19 PCT</p> <p>unless replaced by the amendments enclosed.</p> <p><i>Where necessary, clarifications must be submitted on a separate sheet!</i></p> <p>6.2 Proceedings before the EPO as elected Office (PCT II) are to be based on the following documents:</p> <p>the documents on which the international preliminary examination report is based, including its possible annexes (Such annexes must always be filed)</p> <p>unless replaced by the amendments enclosed.</p> <p><i>Where necessary, clarifications must be submitted on a separate sheet!</i></p> <p>If the EPO as International Preliminary Examining Authority has received test reports, these may be used as the basis of proceedings before the EPO.</p>	<p>6. Pièces destinées à la procédure devant l'OEB</p> <p>6.1 La procédure devant l'OEB agissant en qualité d'office désigné (PCT I) doit se fonder sur les pièces suivantes :</p> <p>les pièces de la demande publiée par le Bureau international (avec toutes les revendications, la description et les dessins), éventuellement avec les revendications modifiées conformément à l'article 19 du PCT</p> <p>dans la mesure où elles ne sont pas remplacées par les modifications jointes.</p> <p><i>Le cas échéant, des explications doivent être jointes sur une feuille additionnelle!</i></p> <p>6.2 La procédure devant l'OEB agissant en qualité d'office élu (PCT II) doit se fonder sur les pièces suivantes :</p> <p>les pièces sur lesquelles se fonde le rapport d'examen préliminaire international, y compris ses annexes éventuelles (De telles annexes sont toujours à joindre)</p> <p>dans la mesure où elles ne sont pas remplacées par les modifications jointes.</p> <p><i>Le cas échéant, des explications doivent être jointes sur une feuille additionnelle!</i></p> <p>Si l'OEB, agissant en qualité d'administration chargée de l'examen préliminaire international, a reçu des rapports d'essais, ceux-ci peuvent constituer la base de la procédure devant l'OEB.</p>

<p>7. Übersetzungen Beigefügt sind die nachfolgend angekreuzten Übersetzungen in einer der Amtssprachen des EPA (Deutsch, Englisch, Französisch):</p> <ul style="list-style-type: none"> <input type="checkbox"/> Im Verfahren vor dem EPA als Bestimmungsamt oder ausgewähltem Amt (PCT I + II): <input type="checkbox"/> Übersetzung der ursprünglich eingereichten internationalen Anmeldung (Beschreibung, Ansprüche, etwaige Textbestandteile in den Zeichnungen), der veröffentlichten Zusammenfassung, und etwaiger Angaben über biologisches Material nach Regel 13^{ter}.3 und 13^{ter}.4 PCT <input type="checkbox"/> Übersetzung der prioritätsbegründenden Anmeldung(en) <input type="checkbox"/> Es wird hiermit erklärt, daß die internationale Anmeldung in ihrer ursprünglich eingereichten Fassung eine vollständige Übersetzung der früheren Anmeldung ist (Regel 38(5) EPU) <input type="checkbox"/> Zusätzlich im Verfahren vor dem EPA als Bestimmungsamt (PCT I): <input type="checkbox"/> Übersetzung der nach Art. 19 PCT geänderten Ansprüche nebst Erklärung, falls diese dem Verfahren vor dem EPA zugrunde gelegt werden sollen (siehe Feld 6) <input type="checkbox"/> Zusätzlich im Verfahren vor dem EPA als ausgewähltem Amt (PCT II): <input type="checkbox"/> Übersetzung der Anlagen zum internationalen vorläufigen Prüfungsbericht 	<p>7. Translations Translations in one of the official languages of the EPO (English, French, German) are enclosed as crossed below:</p> <ul style="list-style-type: none"> <input type="checkbox"/> In proceedings before the EPO as designated or elected Office (PCT I + II): Translation of the international application (description, claims, any text in the drawings) as originally filed, of the abstract as published and of any indication under Rule 13^{ter}.3 and 13^{ter}.4 PCT regarding biological material Translation of the priority application(s) It is hereby declared that the international application as originally filed is a complete translation of the previous application (Rule 38(5) EPC) <input type="checkbox"/> In addition, in proceedings before the EPO as designated Office (PCT I): Translation of amended claims and any statement under Art. 19 PCT, if the claims as amended are to form the basis for the proceedings before the EPO (see Section 6) <input type="checkbox"/> In addition, in proceedings before the EPO as elected Office (PCT II): Translation of any annexes to the international preliminary examination report 	<p>7. Traductions Vous trouverez, ci-joint, les traductions cochées ci-après dans l'une des langues officielles de l'OEB (allemand, anglais, français) :</p> <ul style="list-style-type: none"> <input type="checkbox"/> Dans la procédure devant l'OEB agissant en qualité d'office désigné ou élu (PCT I + II): Traduction de la demande internationale telle que déposée initialement (description, revendications, textes figurant éventuellement dans les dessins), de l'abrégé publié, et de toutes indications visées aux règles 13^{ter}.3 et 13^{ter}.4 du PCT concernant le matériel biologique Traduction de la (des) demande(s) ouvrant le droit de priorité Il est déclaré par la présente que la demande internationale telle que déposée initialement est une traduction intégrale de la demande antérieure (règle 38(5) CBE) <input type="checkbox"/> De plus, dans la procédure devant l'OEB agissant en qualité d'office désigné (PCT I) : Traduction des revendications modifiées et de la déclaration faite conformément à l'article 19 du PCT, si la procédure devant l'OEB doit être fondée sur les revendications modifiées (voir la rubrique 6) <input type="checkbox"/> De plus, dans la procédure devant l'OEB agissant en qualité d'office élu (PCT II) : Traduction des annexes du rapport d'examen préliminaire international
<p><input type="checkbox"/> 8. Biologisches Material Die Erfindung bezieht sich auf bzw. verwendet biologisches Material, das nach Regel 28 EPU hinterlegt worden ist.</p> <p><input type="checkbox"/> Die Angaben nach Regel 28(1)c) EPU (falls noch nicht bekannt, die Hinterlegungsstelle und das (die) Bezugszeichen (Nummer, Symbole usw.) des Hinterlegers) sind in der internationalen Veröffentlichung oder in der gemäß Feld 7 eingereichten Übersetzung enthalten auf:</p> <p>Seite(n) / Zeile(n)</p> <p><input type="checkbox"/> Die Empfangsbescheinigung(en) der Hinterlegungsstelle</p> <p><input type="checkbox"/> ist (sind) beigefügt</p> <p><input type="checkbox"/> wird (werden) nachgereicht</p> <p><input type="checkbox"/> Verzicht auf die Verpflichtung des Antragstellers nach Regel 28(3) EPU auf gesondertem Schriftstück</p>	<p><input type="checkbox"/> 8. Biological material The invention relates to and/or uses biological material deposited under Rule 28 EPC.</p> <p>The particulars referred to in Rule 28(1)(c) EPC (if not yet known, the depository institution and the identification reference(s) [number, symbols etc.] of the depositor) are given in the international publication or in the translation submitted under Section 7 on:</p> <p>page(s) / line(s)</p> <p><input type="checkbox"/> The receipt(s) of deposit issued by the depository institution</p> <p><input type="checkbox"/> is (are) enclosed</p> <p><input type="checkbox"/> will be filed at a later date</p> <p><input type="checkbox"/> Waiver of the right to an undertaking from the requester pursuant to Rule 28(3) EPC attached.</p>	<p><input type="checkbox"/> 8. Matière biologique L'invention concerne et/ou utilise de la matière biologique, déposée conformément à la règle 28 CBE.</p> <p>Les indications visées à la règle 28(1)c) CBE (si non encore connues, l'autorité de dépôt et la (les) référence(s) d'identification [numéro ou symboles etc.] du déposant) figurent dans la publication internationale ou dans une traduction produite conformément à la rubrique 7 à la / aux:</p> <p>page(s) / ligne(s)</p> <p><input type="checkbox"/> Le(s) récépissé(s) de dépôt délivré(s) par l'autorité de dépôt</p> <p><input type="checkbox"/> est (sont) joint(s)</p> <p><input type="checkbox"/> sera (seront) produit(s) ultérieurement</p> <p><input type="checkbox"/> Renonciation, sur document distinct, à l'engagement du requérant au titre de la règle 28(3) CBE.</p>

<p>9. Nucleotid- und Aminosäuresequenzen Die nach Regeln 5.2 und 13^{ter} PCT sowie Regel 111(3) EPÜ erforderlichen Unterlagen liegen dem EPA bereits vor.</p> <p><input type="checkbox"/> Das schriftliche Sequenzprotokoll wird anliegend nachgereicht.</p> <p><input type="checkbox"/> Das Sequenzprotokoll geht nicht über den Inhalt der Anmeldung in der ursprünglich eingereichten Fassung hinaus.</p> <p><input type="checkbox"/> Der vorgeschriebene Datenträger ist beigelegt.</p> <p><input type="checkbox"/> Die auf dem Datenträger gespeicherte Information stimmt mit dem schriftlichen Sequenzprotokoll überein.</p>	<p>9. Nucleotide and amino acid sequences The items necessary in accordance with Rules 5.2 and 13^{ter} PCT and Rule 111(3) EPC have already been furnished to the EPO.</p> <p>The written sequence listing is furnished herewith.</p> <p>The sequence listing does not include matter which goes beyond the content of the application as filed.</p> <p>The prescribed data carrier is enclosed.</p> <p>The information recorded on the data carrier is identical to the written sequence listing.</p>	<p>9. Séquences de nucléotides et d'acides aminés Les pièces requises selon les règles 5.2 et 13^{ter} PCT et la règle 111(3) CBE ont déjà été déposées auprès de l'OEB.</p> <p>La liste de séquences écrite est produite ci-joint.</p> <p>La liste de séquences ne contient pas d'éléments s'étendant au-delà du contenu de la demande telle qu'elle a été déposée.</p> <p>Le support de données prescrit est joint.</p> <p>L'information figurant sur le support de données est identique à celle que contient la liste de séquences écrite.</p>
<p>10. Benennungsgebühren</p> <p><input checked="" type="checkbox"/> 10.1 Es ist derzeit beabsichtigt, den siebenfachen Betrag einer Benennungsgebühr zu entrichten. Damit gelten die Benennungsgebühren für alle Vertragsstaaten des EPÜ¹ als entrichtet (Art. 2 Nr. 3 GebO), soweit sie in der internationalen Anmeldung bestimmt sind².</p> <p><input type="checkbox"/> 10.2 Abweichend von der Erklärung in Nr. 10.1 ist derzeit beabsichtigt, weniger als sieben Benennungsgebühren für folgende in der internationalen Anmeldung bestimmte Vertragsstaaten des EPÜ² zu entrichten:</p> <p>(1) <input type="text"/> _____</p> <p>(2) <input type="text"/> _____</p> <p>(3) <input type="text"/> _____</p> <p>Soweit unter Nr. 10.2 Vertragsstaaten aufgeführt sind, wird beantragt, für die dort nicht aufgeführten Vertragsstaaten von der Zustellung einer Mitteilung nach Regel 108(3) EPÜ abzusehen.</p> <p><input checked="" type="checkbox"/> 10.3 Wird ein automatischer Abbuchungsauftrag erteilt (Feld 12), so wird das EPA beauftragt, bei Ablauf der Grundfrist nach Regel 107 (1)d) EPÜ den siebenfachen Betrag einer Benennungsgebühr abzubuchen. Ist eine Erklärung nach Nr. 10.2 abgegeben worden, so sollen die Benennungsgebühren nur für die dort angegebenen Vertragsstaaten abgebucht werden, sofern dem EPA nicht bis zum Ablauf der Grundfrist ein anderslautender Auftrag zugeht.</p>	<p>10. Designation fees</p> <p>10.1 It is currently intended to pay seven times the amount of the designation fee. The designation fees for all the EPC contracting states¹ designated in the international application² are thereby deemed to have been paid (Art. 2 No. 3 RFees).</p> <p>10.2 The declaration in No. 10.1 does not apply. Instead, it is currently intended to pay fewer than seven designation fees for the following EPC contracting states² designated in the international application:</p> <p>(1) <input type="text"/> _____</p> <p>(2) <input type="text"/> _____</p> <p>(3) <input type="text"/> _____</p> <p>If contracting states are indicated under No. 10.2, it is requested that no communication under Rule 108(3) EPC be issued for contracting states not thus indicated.</p> <p>10.3 If an automatic debit order has been issued (Section 12), the EPO is authorised, on expiry of the basic period under Rule 107(1)d) EPC, to debit seven times the amount of the designation fee. If states are indicated under No. 10.2, the EPO will debit designation fees only for those states, unless instructed otherwise before the basic period expires.</p>	<p>10. Taxes de désignation</p> <p>10.1 Il est actuellement envisagé de payer un montant correspondant à sept fois la taxe de désignation. Les taxes de désignation sont ainsi réputées payées pour tous les Etats contractants de la CBE¹ désignés dans la demande internationale² (art. 2, point 3 du RRT).</p> <p>10.2 Contrairement à ce qui est indiqué au n° 10.1, il est actuellement envisagé de payer moins de sept taxes de désignation pour les Etats contractants de la CBE¹ suivants désignés dans la demande internationale:</p> <p>(1) <input type="text"/> _____</p> <p>(2) <input type="text"/> _____</p> <p>(3) <input type="text"/> _____</p> <p>Si des Etats contractants sont mentionnés au n° 10.2, prière de ne pas procéder à la signification d'une notification prévue par la règle 108(3) CBE pour les Etats contractants n'y étant pas mentionnés.</p> <p>10.3 Si un ordre de prélèvement automatique est donné (rubrique 12), il est demandé à l'OEB de prélever, à l'expiration du délai normal visé à la règle 107(1)d) CBE, un montant correspondant à sept fois la taxe de désignation. Si une déclaration a été faite au n° 10.2, les taxes de désignation ne sont à prélever que pour les Etats contractants qui y sont indiqués, sauf instruction contraire reçue par l'OEB avant l'expiration du délai normal.</p>

¹ Stand bei Drucklegung: 27 Vertragsstaaten, und zwar: / Status when this form was printed: 27 contracting states, namely / Situation à la date d'impression: 27 Etats contractants, à savoir: AT Österreich / Austria / Autriche, BE Belgien / Belgium / Belgique, BG Bulgarien / Bulgaria / Bulgarie, CH / LI Schweiz und Liechtenstein / Switzerland and Liechtenstein / Suisse et Liechtenstein, CY Zypern / Cyprus / Chypre, CZ Tschechische Republik / Czech Republic / République tchèque, DE Deutschland / Germany / Allemagne, DK Dänemark / Denmark / Danemark, EE Estland / Estonia / Estonie, ES Spanien / Spain / Espagne, FI Finnland / Finland / Finlande, FR Frankreich / France / France, GB Vereinigtes Königreich / United Kingdom / Royaume-Uni, GR Griechenland / Greece / Grèce, HU Ungarn / Hungary / Hongrie, IE Irland / Ireland / Irlande, IT Italien / Italy / Italie, LU Luxemburg / Luxembourg / Luxembourg, MC Monaco / Monaco / Monaco, NL Niederlande / Netherlands / Pays-Bas, PT Portugal / Portugal / Portugal, RO Rumänien / Romania / Roumanie, SE Schweden / Sweden / Suède, SI Slowenien / Slovenia / Slovénie, SK Slowakische Republik / Slovak Republic / République slovaque, TR Türkei / Turkey / Turquie

² Für folgende Staaten nur möglich, falls in der internationalen Anmeldung am oder nach folgendem Tag bestimmt: Slowakische Republik, Bulgarien, Tschechische Republik und Estland: 1. Juli 2002, Slowenien: 1. Dezember 2002, Ungarn: 1. Januar 2003 und Rumänien: 1. März 2003. / For the following states this is possible only if they are designated in the international application on or after the stated date: Slovak Republic, Bulgaria, Czech Republic and Estonia: 1 July 2002, Slovenia: 1 December 2002, Hungary: 1 January 2003 and Romania: 1 March 2003. / En ce qui concerne les Etats suivants seulement si la désignation a été effectuée dans la demande internationale à la date suivante ou à une date ultérieure: République slovaque, Bulgarie, République tchèque et Estonie: 1^{er} juillet 2002, Slovénie: 1^{er} décembre 2002, Hongrie: 1^{er} janvier 2003 et Roumanie: 1^{er} mars 2003.

<p><input checked="" type="checkbox"/> 11. Erstreckung des europäischen Patents Bei Zahlung der Erstreckungsgebühren gilt diese Anmeldung auch als wirksamer Erstreckungsantrag für die in der internationalen Anmeldung bestimmten »Erstreckungsstaaten«. Es ist beabsichtigt, diese Gebühren für folgende Staaten zu entrichten:</p> <table border="0"> <tr><td><input type="checkbox"/></td><td>SI</td><td>Slowenien "</td></tr> <tr><td><input type="checkbox"/></td><td>LT</td><td>Litauen</td></tr> <tr><td><input type="checkbox"/></td><td>LV</td><td>Lettland</td></tr> <tr><td><input type="checkbox"/></td><td>AL</td><td>Albanien</td></tr> <tr><td><input type="checkbox"/></td><td>RO</td><td>Rumänien "</td></tr> <tr><td><input type="checkbox"/></td><td>MK</td><td>Ehemalige jugoslawische Republik Mazedonien</td></tr> <tr><td><input type="checkbox"/></td><td></td><td></td></tr> </table>	<input type="checkbox"/>	SI	Slowenien "	<input type="checkbox"/>	LT	Litauen	<input type="checkbox"/>	LV	Lettland	<input type="checkbox"/>	AL	Albanien	<input type="checkbox"/>	RO	Rumänien "	<input type="checkbox"/>	MK	Ehemalige jugoslawische Republik Mazedonien	<input type="checkbox"/>			<p>11. Extension of the European patent On payment of the extension fee(s) this application is also deemed to be a request for extension to all the "extension states" designated in the international application. It is intended to pay the fee(s) for the following states:</p> <table border="0"> <tr><td></td><td>Slovenia "</td></tr> <tr><td></td><td>Lithuania</td></tr> <tr><td></td><td>Latvia</td></tr> <tr><td></td><td>Albania</td></tr> <tr><td></td><td>Romania "</td></tr> <tr><td></td><td>Former Yugoslav Republic of Macedonia</td></tr> <tr><td></td><td></td></tr> </table>		Slovenia "		Lithuania		Latvia		Albania		Romania "		Former Yugoslav Republic of Macedonia			<p>11. Extension des effets du brevet européen La taxe (Les taxes) d'extension payée(s), la présente demande est également réputée être une demande d'extension à tous les »Etats autorisant l'extension« désignés dans la demande internationale. Il est envisagé de payer la taxe (les taxes) d'extension pour les Etats suivants:</p> <table border="0"> <tr><td></td><td>Slovénie "</td></tr> <tr><td></td><td>Lituanie</td></tr> <tr><td></td><td>Lettonie</td></tr> <tr><td></td><td>Albanie</td></tr> <tr><td></td><td>Roumanie "</td></tr> <tr><td></td><td>Ex-République yougoslave de Macédoine</td></tr> <tr><td></td><td></td></tr> </table>		Slovénie "		Lituanie		Lettonie		Albanie		Roumanie "		Ex-République yougoslave de Macédoine		
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<p>1) Für Slowenien und Rumänien nur möglich, falls in der internationalen Anmeldung bis 30. November 2002 (Slowenien) oder bis 28. Februar 2003 (Rumänien) bestimmt. / For Slovenia and Romania this is possible only if they are designated in the international application up to 30 November 2002 (Slovenia) or 28 February 2003 (Romania). / En ce qui concerne la Slovénie et la Roumanie, seulement si la désignation a été effectuée dans la demande internationale jusqu'au 30 novembre 2002 (Slovénie) ou jusqu'au 28 février 2003 (Roumanie).</p> <p>2) Platz für Staaten, mit denen »Erstreckungsabkommen« nach Drucklegung dieses Formblatts in Kraft treten und die in der internationalen Anmeldung bestimmt waren. / Space for States with which "extension agreements" enter into force after this form has been printed and which were designated in the international application. / Prévu pour des Etats à l'égard desquels des »accords d'extension« entreront en vigueur après l'impression du présent formulaire et qui ont été désignés dans la demande internationale.</p>																																																			
<p>12. Automatischer Abbuchungsauftrag (Nur möglich für Inhaber von beim EPA geführten laufenden Konten)</p> <p><input type="checkbox"/> Das EPA wird beauftrag, nach Maßgabe der Vorschriften über das automatische Abbuchungsverfahren fällige Gebühren und Auslagen vom untenstehenden laufenden Konto abzubuchen. In Bezug auf die Benennungsgebühren wird auf Feld 10.3 verwiesen. Das EPA wird ferner beauftrag, die Erstreckungsgebühren für jeden in Feld 11 angekreuzten »Erstreckungsstaat« bei Ablauf der Grundfrist zu ihrer Zahlung abzubuchen, sofern ihm nicht bis dahin ein anderslautender Auftrag zugeht.</p> <p>Nummer und Kontoinhaber</p>	<p>12. Automatic debit order (for EPO deposit account holders only)</p> <p>The EPO is hereby authorised, under the Arrangements for the automatic debiting procedure, to debit from the deposit account below any fees and costs falling due. For designation fees, see Section 10.3. The EPO is also authorised, on expiry of the basic period for paying the extension fees, to debit those fees for each of the "extension states" marked with a cross in Section 11, unless instructed otherwise before the said period expires.</p> <p>Number and account holder</p>	<p>12. Ordre de prélèvement automatique (uniquement possible pour les titulaires de comptes courants ouverts auprès de l'OEB)</p> <p>Par la présente, il est demandé à l'OEB de prélever du compte courant ci-dessous les taxes et frais venant à échéance, conformément à la réglementation relative au prélèvement automatique. Pour les taxes de désignation, se reporter à la rubrique 10.3. Il est en outre demandé à l'OEB de prélever, à l'expiration du délai normal prévu pour leur paiement, les taxes d'extension pour chaque »Etat autorisant l'extension« coché à la rubrique 11, sauf instruction contraire reçue avant l'expiration de ce délai.</p> <p>Numéro et titulaire du compte</p>																																																	
<p><input checked="" type="checkbox"/> 13. Eventuelle Rückzahlungen auf das beim EPA geführte laufende Konto</p> <p>Nummer und Kontoinhaber</p>	<p>13. Any reimbursement to EPO deposit account</p> <p>Number and account holder</p> <p>28000327 UEXKÜLL & STOLBERG</p>	<p>13. Remboursements éventuels à effectuer sur le compte courant ouvert auprès de l'OEB</p> <p>Numéro et titulaire du compte</p>																																																	
<p>14. Unterschrift(en) des (der) Anmelde(r)s oder Vertreters</p> <p>Ort / Datum</p> <p>Für Angestellte (Art. 133(3) EPÜ) mit allgemeiner Vollmacht:</p> <p>Nr.</p> <p>Name(n) des (der) Unterzeichneten bitte in Druckschrift wiederholen. Bei juristischen Personen bitte auch die Stellung des (der) Unterzeichneten innerhalb der Gesellschaft in Druckschrift angeben.</p>	<p>14. Signature(s) of applicant(s) or representative</p> <p> A. v. Menges (Association No. 1)</p> <p>Place / Date Hamburg, 22. 8. 2006</p> <p>For employees (Art. 133(3) EPC) having a general authorisation:</p> <p>No.</p> <p>Please print name(s) under signature(s). In the case of legal persons, the position of the signatory within the company should also be printed.</p>	<p>14. Signature(s) du (des) demandeur(s) ou du mandataire</p> <p>Lieu / Date</p> <p>Pour les employés (art. 133(3) CBE) disposant d'un pouvoir général:</p> <p>N°</p> <p>Le ou les noms des signataires doivent être indiqués en caractères d'imprimerie. S'il s'agit d'une personne morale, la position occupée au sein de celle-ci par le ou les signataires doit également être indiquée en caractères d'imprimerie.</p>																																																	



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Reference	Application No./Patent No. 05712105.5 - PCT/US2005002503
Applicant/Proprietor Renessen LLC, et al	

Entry into the European phase before the European Patent Office

These notes describe the procedural steps required for entry into the European phase before the European Patent Office (EPO). You are advised to read them carefully: failure to take the necessary action in time can lead to your application being deemed withdrawn.

1. The above-mentioned international patent application has been given European application No. **05712105.5**.
2. Applicants **without** a residence or their principal place of business in an EPC contracting state may themselves initiate European processing of their international applications, provided they do so before expiry of the 31st month from the priority date (see also point 6 below).

During the European phase before the EPO as designated or elected Office, however, such applicants must be represented by a professional representative (Arts. 133(2) and 134(1), (7) EPC).

Procedural acts performed after expiry of the 31st month by a professional representative who acted during the international phase but is not authorised to act before the EPO have no legal effect and therefore lead to loss of rights.

Please note that a professional representative authorised to act before the EPO and who acted for the applicant during the international phase does not automatically become the representative for the European phase. Applicants are therefore strongly advised to appoint in good time any representative they wish to initiate the European phase for them; otherwise, the EPO has to send all communications direct to the applicant.

3. Applicants **with** a residence or their principal place of business in an EPC contracting state are not obliged to appoint, for the European phase before the EPO as designated or elected Office, a professional representative authorised to act before the EPO.
However, in view of the complexity of the procedure it is recommended that they do so.
4. Applicants and professional representatives are also strongly advised to initiate the European phase using EPO Form 1200 (available free of charge from the EPO). This however is not compulsory.



5. To enter the European phase before the EPO, the following acts must be performed.
(N.B.: Failure validly to do so will entail loss of rights or other adverse legal consequences.)
- 5.1 If the EPO is acting as **designated or elected Office** (Arts. 22(1)(3) and 39(1) PCT respectively), applicants must, within 31 months from the date of filing or (where applicable) the earliest priority date:
- a) Supply a translation of the international application into an EPO official language, if the International Bureau did not publish the application in such a language (Art. 22(1) PCT and R. 107(1)(a) EPC).
If the translation is not filed in time, the international application is deemed withdrawn before the EPO (R. 108(1) EPC).
This loss of rights is deemed not to have occurred if the translation is then filed within a two-month grace period as from notification of an EPO communication, provided a surcharge is paid at the same time (R. 108(3) EPC).
 - b) Pay the national basic fee (EUR 170,00) and, where a supplementary European search report has to be drawn up, the search fee (EUR 720,00 ; R. 107(1)(c) and (e) EPC).
 - c) If the time limit under Article 79(2) EPC expires before the 31-month time limit, pay the designation fee (EUR 80,00) for each contracting state designated (R. 107(1)(d) EPC).
 - d) If the time limit under Article 94(2) EPC expires before the 31-month time limit, file the written request for examination and pay the examination fee (EUR 1490,00 ; R. 107(1)(f) EPC).
 - e) Pay the third-year renewal fee (EUR 400,00) if it falls due before expiry of the 31-month time limit (R. 107(1)(g) EPC).
- If the fees under (b) to (d) above are not paid in time, or the written request for examination is not filed in time, the international application is deemed withdrawn before the EPO, or the contracting-state designation(s) in question is (are) deemed withdrawn (R. 108(1) and (2) EPC). However, the fees may still be validly paid within a two-month grace period as from notification of an EPO communication, provided the necessary surcharges are paid at the same time (R. 108(3) EPC). For the renewal fee under (e) above, the grace period is **six** months from the fee's due date (Art. 86(2) EPC).
- For an overview of search and examination fees, see OJ EPO 11/2005, 577 and 03/2006.
- 5.2 If the application documents on which the European grant procedure is to be based comprise more than ten claims, a claims fee is payable within the 31-month time limit under Rule 107(1) EPC for the eleventh and each subsequent claim (R. 110(1) EPC). The fee can however still be paid within a one-month grace period as from notification of an EPO communication pointing out the failure to pay (R. 110(2) EPC).
6. If the applicant had a representative during the application's international phase, the present notes will be sent to the representative, asking him to inform the applicant accordingly.
- All subsequent communications will be sent to the applicant, or - if the EPO is informed of his appointment in time - to the applicant's European representative.**



7. For more details about time limits and procedural acts before the EPO as designated and elected Office, see the EPO brochure

How to get a European patent
Guide for applicants - Part 2
PCT procedure before the EPO - "Euro-PCT"

This brochure, the list of professional representatives before the EPO, Form 1200 and details of the latest fees are now all available on the Internet under

<http://www.european-patent-office.org>

Receiving section

